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Department of State 1/19/79 TELEGRAM

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E. O. 12065: GDS 1/19/65 (HARRIS, F. ALLEN) OR-P
SUBJECT: "LAW OF CONDONATION": A WAY OUT FOR THE MILITARY WHEN
THEY NEED A WAY OUT?

REF: CONTE, MIGNONE, HARRIS MEMCON OF 12/29/78

1. ENTIRE TEXT)

2. INTRODUCTION AND SUMMARY: RADICALS, CHRISTIAN
DEMOCRATS, PERONISTS AND OTHER POLITICIANS HAVE AGAIN
BEGUN DISCUSSING PROPOSALS FOR "ADVANCE FORGETFULNESS"
FOR THE ACTIONS OF ARGENTINA'S MILITARY IN ITS "DIRTY
WAR" AGAINST SUBVERSION, AS A CONDITION PRECEDENT TO
POLITICAL NORMALIZATION. ALTHOUGH THE "LEY DE OLVIDO"
IDEA IS BEING DEBATED ONLY WITHIN LIMITED POLITICAL
CIRCLES, THE FACT THAT THESE PROPOSALS HAVE RESURFACED
CONSTITUTES AN ESTIMATE BY ARGENTINE POLITICIANS THAT
THE VIDELA-VIOLA GOVERNMENT LOOKS LESS VIABLE,
AND THE PROSPECT FOR CIVILIAN GOVERNMENT--ALTHOUGH
STILL FAR IN THE FUTURE--THEREBY MOVES CLOSER.
END INTRODUCTION AND SUMMARY.

3. MANY POLITICAL OBSERVERS HERE BELIEVE THAT THE
THREAT PERCEIVED BY THE ARMED FORCES OF FUTURE
INVESTIGATIONS OF THEIR CONDUCT OF ANTI-SUBVERSIVE
OPERATIONS WILL CONSTITUTE A MAJOR OBSTACLE TO
POLITICAL NORMALIZATION IN ARGENTINA. CONSEQUENTLY,
POLITICIANS IN ARGENTINA DEVELOPED AND ARE NOW AGAIN
DISCUSSING AMONG THEMSELVES FORMULAE FOR ASSURING
THE MILITARY THAT NO "RENBURG-TYPE" TRIALS WILL BE
HELD IN ARGENTINA UPON THE MILITARY'S WITHDRAWAL FROM
THE GOVERNMENT. BOTH PERONISTS AND RADICALS CLAIM
CREDIT FOR ORIGINATING THE IDES OF A "LEY DE OLVIDO"
(LAW OF FORGETFULNESS OR CONDONATION).

4. CONDONATION FOR THE MILITARY WAS ORIGINALLY DISCUSSED
IN 1976 AS TAKING THE FORM OF A SECRET COMPACT BETWEEN
THE LEADERSHIP OF THE POLITICAL PARTIES AND THE
MILITARY TO FORGET IN THE FUTURE THE EXCESSES COMMITTED
IN THE WAR AGAINST SUBVERSION. ANOTHER BODY OF POLITICAL
OPINION TODAY HOLDS THAT SUCH A SECRET COMPACT WOULD
NOT ASSUAGE THE MILITARY'S CONCERNS AND THAT MORE
ELABORATE, AMNESTY TYPE PROPOSALS ARE NOW NEEDED.
RECENTLY, RADICAL PARTY LEADER BALBIN TOLD ENBOFF
PRIVATELY THAT A BROAD AND PUBLIC CONSENSUS WOULD
BE NEEDED ON THE CONDONATION ISSUE FOR SUCH A
REMISE TO BE CREDIBLE TO THE MILITARY.

5. THE CREDIBILITY QUESTION IS COMPLICATED IN THE
VIEW OF OTHER POLITICAL OBSERVERS BY THE FACT THAT
EACH OF THE ARMED SERVICES AND THE POLICE FORCES
HARBOR INCRIMINATING EVIDENCE REGARDING THE OTHER

PARTICIPANTS IN THE REPRESSION. EACH GROUP FEARS THAT
THIS INFORMATION MAY BE SURFACED AGAINST THEM IN THE
FUTURE IN INTER-SERVICE RIVALRIES. BLUNTLY STATED,
IF THE ARMED SERVICES AND THE POLICE CANNOT HANG
TOGETHER (WHICH APPEARS UNLIKELY, BASED UPON RIVALRIES
VISIBLE TODAY), THEY MAY HANG EACH OTHER INDIVIDUALLY.

6. ALTHOUGH THE QUESTION OF CONDONATION HAS NOT
BEEN WIDELY DISCUSSED IN HUMAN RIGHTS COUNCILS,
ENILIO MIGNONE, ONE OF THE LEADERS OF THE PERMANENT
ASSEMBLY, RECENTLY INDICATED HIS PERSONAL SUPPORT FOR
A CONDONATION PROPOSAL. MIGNONE ARGUED THAT AN
AMNESTY TYPE PROPOSAL WAS NECESSARY BEFORE THE
MILITARY WOULD PROVIDE INFORMATION REGARDING THE
WHEREABOUTS OF "DESAPARECIDOS" OR RELEASE THE
CLANDESTINE PRISONERS THEY ARE BELIEVED TO BE HOLD-
ING. MOST HUMAN RIGHTS ACTIVISTS, HOWEVER, VIEW
THE FUTURE IN TERMS OF EXPLANATIONS AND JUSTICE.

7. EMBASSY COMMENT:

CONSIDERATION OF CONDONING
THE MILITARY FOR THE ENTIRE RANGE OF ITS ANTI-
SUBVERSIVE ACTIVITIES SHOWS THE PRICE WHICH SOME
OF ARGENTINA'S POLITICAL LEADERS MAY BE WILLING TO
PAY TO SMOOTH THE MILITARY'S RETURN PATH TO THE
BARRACKS. AT PRESENT WE BELIEVE THESE DISCUSSIONS
ARE BEING HELD ONLY AMONG THE POLITICIANS. THE
MILITARY'S PLANNING HORIZON IS STILL TOO LONG FOR
THEIR ACTIVE CONCERN AND PARTICIPATION ON THIS
ISSUE. THE FACT THAT CONDONATION FOR THE MILITARY
IS AGAIN BEING DISCUSSED MAY SAY MORE ABOUT THE
POLITICIAN'S VIEW THAT THE VIDELA-VIOLA GOVERNMENT
IS IN SERIOUS TROUBLE THAT IT DOES ABOUT QUESTIONS
OF FUTURE JUSTICE. OPINION HERE IS THAT SEVERAL
STAGES MUST BE PASSED BEFORE CIVILIANS ONCE AGAIN
RUN THE ARGENTINE GOVERNMENT. NO REALISTIC PERSON
BELIEVES HERE THAT VIDELA AND VIOLA WILL BE REPLACED
BY A CIVILIAN GOVERNMENT--ONLY THAT THEIR DEPARTURE
BRINGS THIS ULTIMATE EVENT CLOSER. END COMMENT.
CASTRO

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/TPS

Margaret P. Grafeld, Director

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